

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT ALLAN BENNETT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE BUREAU OF PRISONS,

Defendant.

Case No. [14-cv-00440-JST](#)

**ORDER TRANSFERRING HABEAS
CORPUS PETITION TO THE MIDDLE
DISTRICT OF FLORIDA**

Re: ECF No. 5

Petitioner Bennett brings this habeas corpus petition under 28 U.S.C. §2241 to challenge both his conviction and his sentence.¹

In his amended petition, Bennett alleges that he is a “United States 2LT Army Officer” who was prosecuted and convicted as a civilian “for activities he performed in uniform, on a military base.” ECF No. 5 ¶¶ 204. He was convicted of making a false statement to a military housing contractor in violation of 18 U.S.C. § 1001; wearing a uniform without permission in violation of 18 U.S.C. § 702; and disobeying a defense property security regulation in violation of 50 U.S.C. § 797(a)(1). Id. ¶ 5. He was sentenced to imprisonment of 36 months. Id. ¶ 6. At some point during his confinement, he was transferred to a Residential Reentry Center in Oakland, California, as a part of his sentence. ECF No. 5 ¶ 3.

Under the local habeas corpus rules, a petition for habeas corpus that challenges the lawfulness of a conviction or sentence can be filed in the Northern District of California only if the petitioner was convicted and sentenced in this district. Habeas L.R. 2254-3(a)(1). If a petition challenging the conviction or sentence does not comply with this rule, then the “venue shall be transferred to” the district of conviction or sentencing if the petition is challenging the conviction

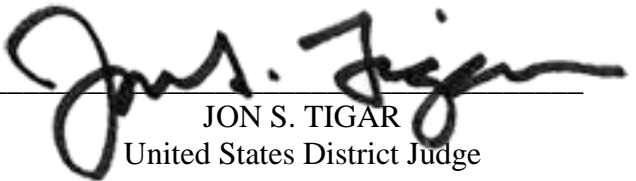
¹ Bennett also moves to proceed in forma pauperis. ECF No. 2. Because the Court will transfer the petition to the Middle District of Florida, the Court will not rule on this motion at this time.

1 or sentence. Habeas L.R. 2254-3(b)(1).

2 Here, the documents that Bennett attached to his petition show that he was convicted and
3 sentenced in the Middle District of Florida. ECF No. 1, Ex. 2. Accordingly, Bennett's petition,
4 which challenges his conviction and sentence, must be transferred to the Middle District of Florida
5 under Habeas Local Rule 2254-3(b)(1).

6 **IT IS SO ORDERED.**

7 Dated: March 7, 2014

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11 JON S. TIGAR
12 United States District Judge
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United States District Court
Northern District of California